

CHAPTER 18

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CHAPTER 18

MISCELLANEOUS PROVISIONS

ARTICLE I. SECURITY ALARM SYSTEMS

Sec. 18-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means a device that is used at establishments and residences that is received at the sheriff's department.

False alarm means a signal from an alarm system resulting in a response by the sheriff's department when an emergency situation does not exist.
(Ord. of 5-19-81, § .02; Ord. of 5-15-84, § 1)

Sec. 18-2. Purpose.

The purpose of this article is to establish regulations, standards, and controls relating to the use of alarm devices which are monitored by the county sheriff's department and to prevent repeated false alarms, intentional or otherwise, that create a hazard to the public.
(Ord. of 5-19-81, § .01)

Sec. 18-3. False alarms-Generally.

(a) For various reasons, false alarms from alarm systems frequently occur. Each false alarm requires response by public safety personnel, involves unnecessary expense to the county, increases the risk of injury to persons or damage to property, and dilutes the overall public safety protection of the county. Such false alarms constitute a public nuisance and must be abated. Persons connecting to central alarm systems in accordance with this article shall pay to the county a charge for false alarms responded to by the sheriff's department according to the following schedule for each calendar year for each premises connected:

1. First two (2) false alarms, no charge;
2. Third false alarm, fifty dollars (\$50.00);
3. Fourth false alarm, seventy-five dollars (\$75.00);
4. Fifth and subsequent false alarms, one hundred dollars (\$100.00).

(b) This section is intended to impose strict liability on the person whose premises is protected by an alarm which is received at the sheriff's department.
(Ord. of 5-19-81, § .03; Ord. of 5-15-84, § 2)

Sec. 18-4. Same-Intentional false alarms.

No person shall intentionally cause the activation of a police alarm device knowing that no crime or emergency exists. Any person convicted of violating this section shall forfeit not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00) for each violation. (Ord. of 5-19-81, § .04)

Secs. 18-5 - 18-19. Reserved.

ARTICLE II. MEDICAL EXAMINER

Sec. 18-20. Medical examiner system.

The position of coroner is abolished and a medical examiner system is established. (Res. No. 54-6/84, 6-19-84)

State law reference - Authority to so provide, Wis. Stat. § 59.34(1).

Sec. 18-21. Medical examiner fees.

The fees charged for services provided by the office of the medical examiner shall be established annually through the budget processes and shall be authorized by the County Board. A copy of the fees approved by the County Board shall be accessible from the medical examiner's or county clerk's offices.

(Res. No. 2-4/85, 4-16-85; Ord. No. 142-71, § 1, 10-20-87; Ord. No. 142-158, § 1, 3-15-88; Ord. No. 156-106, § 1, 01/22/02)

Secs. 18-22 - 18-49. Reserved.

ARTICLE III. COUNTY CLERK

Sec. 18-50. Marriage license fee.

The fee to be paid to the county clerk for a marriage license shall be established annually through the budget processes and authorized by the County Board. A copy of the fees approved by the County Board shall be accessible from the county clerk's office.

Secs. 18-51 - 18-60. Reserved.

ARTICLE IV. DANCE HALLS

Sec. 18-61. Definitions.

For purposes of this article:

Dance or *ball* shall be taken to mean any dance or ball to which admission can be had by the public generally by payment of a fee or by the purchase, possession or presentation of a ticket or token, or in which a charge is made for caring for clothing or other property, or other dance to which the public generally, without any restriction, may gain admission, with or without payment of a fee.

Dance hall shall be taken to mean any room, place or space in which a public dance, public ball, live music or entertainment may be conducted. This code does not apply to any public or parochial school or church hall when used for public dances under the auspices of the school, church authorities, or parent-teachers' association.

Department shall mean the department of parks and land use.

Inspection means the inspection performed by the department when there is a change of owner and/or operator of a dance hall and the opening of a new dance hall.
(Ord. No. 147-45, § 1(A), 7-28-92)

Sec. 18-92. Inspection-Application.

(a) Before being open for public dancing, each establishment in the county must be inspected by the department, if not licensed by the local community. Application for an inspection by the department shall be made on forms provided by the department. Inspections shall occur annually.

(b) Upon application by the owner or agent, submission of the inspection fee, and inspection by department personnel, a letter of approval may be issued provided the inspection of the premise indicates reasonable compliance with the requirements of this article.

(c) The letter of approval shall expire on June 30 each year.

(d) The letter of approval may be suspended or revoked due to violations of this article.

(e) Copies of plans shall be submitted to the department prior to the construction, remodeling or renovation of a dance hall.

(f) Letters of approval are nontransferable either from one entity to another or from one person to another. It is the responsibility of the letter recipient to notify the department in writing

when a change in ownership occurs and also supply the department with the names and post office addresses of any new owners.
(Ord. No. 147-45, § 1B, 7-28-92)

Sec. 18-93. Same-Compliance with standards.

No person or business entity may operate a dance hall or hold a dance until inspection by the county department of parks and land use confirms that the premises reasonably complies with the following:

1. The water supply is safe and potable and the visible well construction substantially complies with Chapter NR 811 of the Wisconsin Administrative Code.
2. The premise has an adequate and properly functioning private sewage system or is served by a municipal sewer.
3. There shall be a designated area consisting of a smooth, hard-surfaced, unobstructed floor area available to reasonably accommodate the number of dance patrons planned for (estimate ten (10) square feet per person).
4. This designated area shall not be adjacent to the bar area or kitchen entrance, if applicable, and shall not obstruct entrance to the establishment or any exits from the establishment.
5. The establishment and premises shall be kept in a clean, sanitary, and well-maintained condition to prevent any health or safety hazard from occurring.

(Ord. No. 147-45, § 1(C), 7-28-92)

Sec. 18-94. Wisconsin Administrative Code provisions adopted by reference.

The following Wisconsin Administrative Code chapters, as from time to time amended, are hereby adopted by reference and made part of this article as if fully set forth herein:

Chapter Comm 75 - Definitions and general requirements
Chapter Comm 76 - Factories, office and mercantile buildings
Chapter Comm 77 - Theaters and assembly halls
Chapter Comm 78 - Schools and other places of instruction
Chapter Comm 79 - Apartment houses, hotels and places of detention

Sec. 18-95. Fees.

(a) Fees shall be set by the department in fee schedules on file in the department and in the office of the county clerk.

(b) Fees will be imposed for the following:

1. Inspections.

2. Penalties.
3. Duplicate letter of approval.

(c) Inspection fees shall be nonreturnable, nontransferable and non-prorated.

(d) A penalty fee shall be required whenever the annual fee for inspection and renewal is not paid prior to the expiration of the letter of approval.

(e) An additional penalty fee shall be required whenever operations are continued after written notification of letter of approval, suspension, or revocation.

(f) There shall be a fee for a duplicate letter of approval.
(Ord. No. 147-45, § 1(E), 7-28-92)

Sec. 18-96. Enforcement.

It shall be the duty of the director of the department, or the director's designee, to enforce the provisions of this article relating to the regulation of dance halls. For the purpose of inspection and enforcement, the department shall have access to establishments during reasonable hours. In the event any operator of any establishment refuses entry for inspection purposes, the department may obtain a special inspection warrant under section 66.0119 of the Wisconsin Statutes. The director or the director's designee shall enforce violations of this article through the office of the county corporation counsel.

(Ord. No. 147-45, § 1(F), 7-28-92)

Secs. 18-97 - 18-104. Reserved.

ARTICLE V. MASS MEETINGS OR GATHERINGS

DIVISION 1. IN GENERAL

Sec. 18-105. Definition.

As used in this chapter the term "assembly" means a company or group of persons gathered together at any location at a single time for any purpose.

(Ord. of 6-22-71, § II(B))

Sec. 18-106. Purpose.

It is the purpose of the county board of supervisors to regulate the assemblage of large numbers of people in excess of those normally needing the health, sanitary, fire, police, transportation, and utility services regularly provided in Waukesha County, in order that the

health, safety, and welfare of all persons in the county - residents and visitors alike - may be protected.

(Ord. of 6-22-71, § I)

Sec. 18-107. Exemptions.

(a) This chapter shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies that do not exceed the maximum seating capacity of the structure by more than two hundred fifty (250) people.

(b) This chapter shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of the county.

(Ord. of 6-22-71, § II(F), (G))

Sec. 18-108. Violations and penalty.

(a) The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

(b) The holding of an assembly in violation of any provision or condition contained in this chapter shall be deemed a public nuisance and may be abated as such.

(c) Any person who violates this chapter or any condition upon which he is granted a license may be fined not less than one thousand dollars (\$1,000.00) or more than ten thousand dollars (\$10,000.00). Each day a violation continues or exists shall be considered a separate offense.

(Ord. of 6-22-71, § VII)

Secs. 18-109 - 18-125. Reserved.

DIVISION 2. LICENSE

Sec. 18-126. Required.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of one thousand (1,000) or more people that will continue or can reasonably be expected to continue for eighteen (18) or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the county clerk. A separate license is required for each day and each location in which one thousand (1,000) or more people will assemble or can be reasonably anticipated to assemble.

(Ord. of 6-22-71, § II(A), (C))

Sec. 18-127. What license authorizes.

A license issued under this article shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly. A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to or permit to assemble at the licensed location more than the maximum permissible number of people. The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(Ord. of 6-22-71, § II(A), (D), (E))

Sec. 18-128. Application.

(a) An application for the license required by this article shall be made in writing to the county clerk at least thirty (30) days in advance of such assembly.

(b) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership, or by all officers of an unincorporated association, society, or group, if there be no officers, by all members of such association, society, or group.

(c) The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application, and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten (10) percent or more of the stock of said corporation;
2. The address, size and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner of the property;
3. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of the property that the applicant has permission to use such property for an assembly of one thousand (1,000) or more persons;
4. The nature or purpose of the assembly;
5. The total number of days and/or hours during which the assembly is to last;
6. The maximum number of persons that the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the applicable zoning ordinance if the assembly is to continue overnight;

7. The maximum number of tickets to be sold, if any;
8. The plans of the applicant to limit the maximum number of people permitted to assemble;
9. The plans for supplying potable water including the source, amount available, and location of outlets;
10. The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited;
11. The plans for holding, collection and disposing of solid waste material;
12. The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses and provisions for emergency ambulance service;
13. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;
14. The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
15. The plans for telephone service including the source, number and location of telephones;
16. The plans for camping facilities, if any, including facilities available and their location;
17. The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;
18. The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;
19. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;
20. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.

(d) The application shall include the required bond and the required license fee.
(Ord. of 6-22-71, § IV)

Sec. 18-129. Fee.

The fee to be paid to the county for a license required by this article shall be one hundred dollars (\$100.00).
(Ord. of 6-22-71, § II(C))

Sec. 18-130. Conditions for issuance.

Before a license is issued pursuant to this article, the applicant shall first:

1. Determine the maximum number of people that will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided, that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by applicable zoning or health ordinances;
2. Provide proof that he will furnish at his own expense before the assembly commences:
 - a. An area of at least one hundred (100) square feet for each person in attendance at the assembly;
 - b. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one-half gallon per person per day;
 - c. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet for every two hundred (200) females and at least one (1) toilet for every three hundred (300) males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; provided that a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;
 - d. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (24) pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight-fitting lids and personnel to perform the task;
 - e. Physicians and nurses licensed to practice in the state sufficient to provide the average medical care enjoyed by residents of the state for the maximum number of people to be assembled at the rate of at least one (1) physician for every one thousand (1,000) people and at least one (1) nurse for every one thousand five hundred (1,500) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one (1) emergency ambulance available for use at all times;
 - f. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

- g. A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons;
- h. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one (1) separate line and receiver for each one thousand (1,000) persons;
- i. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of this county, sufficient to provide camping accommodations for the maximum number of people to be assembled;
- j. Security guards, either regularly employed, duly sworn, off duty state peace officers or private guards, licensed in the state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every two hundred fifty (250) people;
- k. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this county, and sufficient emergency personnel to efficiently operate the required equipment;
- l. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the boundaries of the location of the assembly;
- m. A bond, filed with the county clerk either in cash or underwritten by a surety company licensed to do business in the state at the rate of one dollar (\$1.00) per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless this county or any of its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

(Ord. of 6-22-71, § III)

Sec. 18-131. Issuance.

The application for a license required by this article shall be processed within twenty (20) days of receipt and shall be issued if there is compliance with all conditions for the license.

(Ord. of 6-22-71, § V)

Sec. 18-132. Revocation.

A license issued under this article may be revoked by the county board of supervisors at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if there ceases to be compliance with any condition previously met.

(Ord. of 6-22-71, § VI)

Secs. 18-133 - 18-149. Reserved

ARTICLE VI. MUNICIPAL APPEALS

Sec. 18-150. Election not to be governed by Chapter 68, Wisconsin Statutes.

Waukesha County elects not to be governed by the provisions of Chapter 68, Municipal Administrative Procedure and instead elects to provide its own administrative procedures. (Ord. No. 152-97, 12/2/97).

Sec. 18-151. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

County authority shall mean any county department, agency, board, commission, employee, agent or officer.

Person shall mean any individual, private corporation, partnership, agency, association, public or private organization, officer, department, board, commission or agency of a municipality.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-152. Administrative appeal process.

The executive committee of the county board shall act on all requests for review of adverse decisions made by any county authority, when such review is requested, according to the requirements of this article. The executive committee shall be the final decision maker for each review, but may enlist the aid of any individual to conduct hearings necessary under this article. (Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-153. Matters subject to review.

This article shall not apply to reviews of:

1. Denials of foster home licenses, or permits for installation, modification or moving of sanitary systems;
2. An ordinance, resolution or adopted motion or other legislative enactment of the Waukesha county board or veto of the same by the Waukesha county executive;

3. Any action subject to administrative or judicial review procedures under Wisconsin Statutes, excepting chapter 68;
 4. The denial of a tort or contract claim for money which is filed with the county clerk pursuant to statutory procedures for the filing of such claims;
 5. The suspension, removal or disciplining or nonrenewal of a contract of a municipal employee or officer;
 6. Judgments and orders of a court;
 7. Determinations made during labor negotiations; any action subject to administrative review procedures under any other county ordinance or resolution; and,
 8. Any action or determination of a county authority which does not involve a constitutionally protected right of a specific person or persons to due process in connection with the action or determination.
- (Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-154. Request for administrative review.

(a) Any person wishing a review of an adverse decision or determination of any county authority must first make a written request to the county authority which has made the adverse decision to reconsider its initial decision or determination. Such written request must be delivered to the county board chair's office and shall be directed to the appropriate county authority upon receipt.

(b) Such request must be acted on by the county authority which has received the request within thirty (30) days of receipt in the county board chair's office. If the pertinent county authority refuses to reconsider its decision or determination, does not timely take up a request for reconsideration, or, if after such reconsideration the decisions or determination is still adverse to the person requesting review, the aggrieved person may request administrative review by the executive committee under this article. In any event, the county authority must provide the aggrieved person with a written determination which clearly states the reasons for the determination within the same thirty-day time period of this section.

(c) Any request for review under this article must be in writing and must be filed with the county board chair's office within thirty (30) days after the reconsideration or refusal to reconsider by the county authority making the adverse decision. The request must plainly state the nature of the adverse decision and the relief or remedy sought by the aggrieved-person.

(d) Upon receipt of the request for administrative review, the executive committee shall schedule a fact-finding hearing within thirty (30) days of the receipt of the request. A notice of

the hearing date and time shall be served, by first class mail, upon the aggrieved person, at least ten (10) days prior to the scheduled hearing date.

(e) At such hearing, the aggrieved person and the county authority which has made the adverse decision appealed from may be represented by counsel, may present evidence, may call and examine witnesses and may cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The person conducting the hearing may issue subpoenas on its own behalf or for any party. The person conducting the hearing shall take notes of the proceedings and shall mark and preserve all exhibits. The hearing shall be recorded by a tape recording device, only if such recording is requested by either the aggrieved person or the county authority and such request is made at least five (5) days prior to the scheduled date of the hearing.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-155. Final determination.

Within fifteen (15) days of the completion of the hearing, the executive committee shall meet to make a final decision. The final decision shall be reduced to writing, shall state the reasons therefor and shall be served by first class mail upon the aggrieved person and the county authority within ten (10) days of the decision.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-156. Judicial review.

Judicial review of the decision of the executive committee may be had pursuant to provisions of Wisconsin Statutes.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-157. Legislative review.

The seeking of a review under this article shall not preclude the aggrieved person from seeking simultaneous or subsequent legislative relief from the county board of supervisors. If such legislative relief is sought, the county board of supervisors shall delay any action until the review process is completed.

The county board of supervisors need not follow the procedures of this article in the event that an aggrieved person seeks legislative relief from an adverse decision of a county authority.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-158. County authority decisions.

In the event that the county authority making the adverse determination or decision has made such decision or determination subsequent to a hearing in accordance with the requirements of

this article, the aggrieved person may seek immediate judicial review without need to first seek executive committee review.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-159 - 169. Reserved.

ARTICLE VII. MISCELLANEOUS FEES

Sec. 18-170 Fees for Mediation and Study Services.

(a) In accordance with the provisions of s. 767.11 Wisconsin Statutes, Waukesha County has established a family court counseling services office that provides mediation and/or performs detailed family studies in family court cases where the legal custody or physical custody of the minor children is contested.

(b) For purposes of supporting and providing for the mediation and study services provided through the family court counseling office, the County elects to adopt and establish a separate fee schedule as specified under the provisions of s. 814.615(2) of the Wisconsin Statutes.

(c) Subject to judicial determination of the indigency of one or both of the parties requiring services, the fee for one or more mediation sessions conducted subsequent to the initial free session shall be set at \$300.00 per case.

(d) Subject to judicial determination of the indigency of one or both of the parties requiring services, the fee for a custody and/or visitation study as ordered by the court shall be set at \$600.00 per case.

(e) If a new family issue involving custody and/or visitation arises in a case in which an initial judgment and order has been made, another fee is required if the matter goes to mediation or study.

(f) In accordance with subsection (3) of s. 814.615 of the Wisconsin Statutes, one or both of the parties will be ordered to pay the fees for the mediation and/or study services, and if either or both parties are unable to pay, but are not specifically found indigent, a judgment for the cost of the services shall be granted against one or both parties as appropriate, in favor of the County, and the County shall be entitled to pursue recovery.

(Ord. No. 157-66, §1, 10/11/02)